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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 January 1999]

GE.99-10654 (E)

1. Human Rights Watch is deeply concerned at the widespread failure of Governments to combat violence against women. In countries researched by Human Rights Watch, Governments continue to engage in or allow violence against women with impunity. Research by Human Rights Watch indicates that when Governments do respond to allegations of violations, their investigation into abuses is often inadequate and tainted by discriminatory attitudes toward women.

2. Human Rights Watch research, as well as that of the Special Rapporteur on violence against women, shows the mutually reinforcing relationship between discrimination against women and violence against women. De jure discrimination, as well as customary practices, keep many women in a subordinate position, making them particularly vulnerable to violence. When women who are victimized seek justice, discriminatory attitudes and specific practices create often insurmountable obstacles. The resulting impunity for violence against women reinforces the perception that violence against women is insignificant and even acceptable. Government efforts to combat violence against women must also include repeal of discriminatory laws and ending discriminatory practices.

3. Human Rights Watch research conducted in Pakistan, Peru, the Russian Federation and South Africa illustrates the numerous obstacles women face when seeking justice after having been victims of sexual assault and intimate abuse. Police will frequently refuse to take the women's complaints. Women must seek out forensic medical doctors to collect corroborating evidence. All too often, the forensic medical doctors are ill trained in documenting sexual violence, may not even be accessible to the women, may charge money and will not treat injuries. Even if a woman can successfully file a complaint and obtain the forensic evidence collected, the crime may be treated as a private actor crime and she may be forced to engage her own attorney to initiate legal proceedings. In some countries, if the alleged rapist is found not guilty, the woman is then vulnerable to being charged with adultery and punished.

4. The Taliban in Afghanistan is an extreme example of a regime which enforces egregious discrimination against women through violence. Women living under Taliban rule struggle to survive life-threatening discrimination and violence. The rigorously enforced discriminatory edicts include prohibitions against women working, leaving their homes without being escorted by a close male relative, receiving medical treatment from a male doctor or in a non-segregated hospital, and appearing in public without being fully covered. For the women of Afghanistan, many of whom are widows, this systematic discrimination literally deprives them of the ability to obtain food, water and other basic necessities for their children and themselves. Women who dare to defy the Taliban are readily subjected to violence. Human Rights Watch has received reports of women being beaten by Taliban enforcers for the transgression of daring to walk alone or for lifting the edge of their veil to breathe more easily.

5. Although the Taliban in general have not used rape during their military campaigns, Human Rights Watch received consistent reports that young Hazara women were abducted and subjected to sexual assault by the Taliban during the attack on Mazar-I Sharif. The Taliban's refusal to recognize the inherent dignity and rights of women inevitably makes women vulnerable to violence.

6. However, in times of civil unrest, even in countries which do not codify systematic discrimination against women, women remain vulnerable to violence. The response of the Government of Indonesia to reports of rape of ethnic Chinese women during widespread civil unrest in May is an example of grossly inadequate State response to violence against women. The Government's first response was to deny that the rapes took place. Because the Government denied the rapes, no timely investigation was conducted. Recommendations by a fact-finding team that was finally appointed in July 1998 were never implemented. These recommendations included the establishment of a witness protection programme. The Government's attack on the credibility of non-governmental organizations led to threats against human and women rights activists in Indonesia. Those threats were never adequately investigated.

7. The Government questioned reports of rape by noting that it found no evidence that the rapes were reported to the police or hospitals. But activists in contact with some of the victims and their families said the latter were fearful of going to the police, not only because rape survivors are often stigmatized, but because of past treatment of the ethnic Chinese community by the police and because of the concern that elements of the military, of which the police are a part, may have been involved in the attacks. In the absence of appropriate State response, human rights and women's rights advocates bear the burden of providing services for rape survivors, collecting evidence to refute the government denial and monitoring the Government's belated investigation.

8. Regarding Algeria, which is also suffering from severe civil unrest, Human Rights Watch has received reports of attacks against women. The explicit targeting of women generally attributed to the armed Islamist factions, nominally headed by the Armed Islamic Group (GIA), demonstrates the treatment of women as spoils of war. Although most women are killed during indiscriminate attacks by the GIA on rural villages, the GIA have also intimidated, raped, mutilated and killed women for opposing their views and defying rules regarding dress, work, education and marriage.

9. Nowhere is the relationship between discrimination and violence more apparent than in times of war and internal armed conflict. Human Rights Watch has documented the targeting of women in numerous conflicts through widespread rape, sexual mutilation and sexual slavery, most recently in the former Yugoslavia and in Rwanda. Attacking women in times of conflict serves two purposes: it demoralizes communities by underscoring their inability to protect women from being treated as the "spoils" of victory and it fractures communities which stigmatize victims of sexual assault. Commanders and combatants who order or participate in the sexual assault of women may feel confident that they will not be held accountable for these violations, particularly if they occur in countries in which rape is ignored, victims are stigmatized and impunity for violence against women prevails.

10. Another consequence of targeting women is the creation of large numbers of displaced persons or refugees seeking protection from these attacks. However, even women who escape the conflict and settle in refugee camps find themselves still trapped by the dual threat of violence and discrimination. Research by Human Rights Watch in refugee camps for Burundians in Tanzania indicates that many refugee women are being beaten and raped by their husbands or partners. These women are unable to escape the abuse because of the practice in most camps of providing food and other basic necessities to male heads of households. Unable to obtain food and shelter in the camps because of this discrimination, some women escape the domestic violence by leaving the camps and risk being targeted by combatants.

11. In conclusion, each of these cases demonstrates the relationship between discrimination and violence. Women's lives are at stake so long as the international community responds to endemic discrimination and violence against women with token gestures. Human Rights Watch urges the international community to condemn strongly both discrimination against women and violence against women. It is also imperative that the international community take immediate action to repeal discriminatory laws, end discriminatory practices and set standards for appropriate State response to violence against women. This includes executing arrest warrants for the many war criminals indicted on charges of sexual violence by the International Criminal Tribunal for the Former Yugoslavia; investigating and indicting perpetrators of sexual violence during the genocide in Rwanda; and vigorously investigating allegations of sexual violence in times of civil unrest and armed conflict.

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